

Tobacco Control Regulations

ARTICLE X. TOBACCO CONTROL REGULATIONS

Section 1. Purpose and Authority

Conclusive scientific evidence verifies that tobacco smoke causes cancer and wide ranging respiratory diseases, various cardiac diseases, negative birth outcomes, allergies, and irritations to the eyes, nose and throat to both the smoker and the non-smoker exposed to it.

The Surgeon General has concluded that nicotine is an addictive substance and that minors in particular are at risk from the addictive effect of nicotine (c.q. "preventing tobacco use among young people" Surgeon General Report, 1994). Massachusetts General Laws Chapter 270, Section 6 prohibits the sale of tobacco products to persons under eighteen (18) years of age, yet almost ninety percent (90%) of all smokers begin smoking before reaching that age. Additionally, local Board of Health regulations are necessary to prevent youth access.

Board of Health Tobacco Regulations are designed to protect and improve the health of all residents in North Reading, (GGL 111 Section 31, authorizes the Board of Health to draft its own regulation regarding public health). Accordingly, the Board of Health finds and declares that the purposes of these regulations are to protect the public's health and welfare by prohibiting smoking in certain places, limiting involuntary exposure to tobacco smoke and limiting the sale and distribution of tobacco products to minors.

Section. Sale or gift of tobacco to minors.

(a) No person shall sell a cigarette, chewing tobacco, snuff or any tobacco in any of its forms to any person under the age of eighteen (18). Valid Massachusetts License or valid Massachusetts Photo Identification is the only acceptable form of identification.

(b) For purposes of this regulation, the term "person" shall mean individual, employer, employee, retail store, manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco products (1-19-95).

Section 3. Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby.

Section 4. Tobacco sales permit

(a) No person (which, unless otherwise indicated, shall include, but not be limited to, a business, regardless of the form of business ownership, the manager or operator thereof, and the employee(s) selling or distributing the tobacco product) shall sell or otherwise distribute tobacco or tobacco products (hereinafter referred to as "tobacco products") within the Town without the owner of the business first obtaining a Tobacco Sales Permit issued by the Board of Health. Each location where tobacco products are sold or distributed shall require a separate Tobacco Sales Permit.

(b) Any person who submits an application for a Tobacco Sales Permit shall certify on the application, by signature, that he has read these regulations and has informed each employee of the requirements of these regulation.

(c) The fee for a Tobacco Sales Permit shall be ten dollars (\$10).

(d) An application for a Tobacco Sales Permit shall be filed by existing tobacco product vendors within thirty (30) days following the effective date of these regulations. Any other person shall, prior to selling or distributing tobacco products, submit an application for such permit to the Board of Health and obtain such permit from the Board.

- (e) Permits shall run from January 1 to December 31. All applications for permit renewals shall be submitted to the Board of Health no later than December 1st. Late submissions of an application for renewal shall be required to pay a \$10 late fee.
- (f) Each Tobacco Sales Permit shall be displayed on the premises next to the State permit. Each permit holder shall also conspicuously post a sign(s) visible from each counter from which tobacco products are sold or distributed that states "Sale of cigarettes or any tobacco product to persons under eighteen (18) years of age is illegal."
- (g) A Tobacco Sales Permit is non-transferable.

Section 5. No direct access by public/restrictions regarding sale.

- (a) Cigarette vending machines or any other device for the sale or distribution of tobacco products are prohibited.
- (b) Tobacco products shall not be offered for sale by means of a display directly accessible to the public. All sales must be made directly by store personnel.

Section 6. Age requirement for sale of tobacco products.

Any store personnel selling or distributing tobacco products must be at least sixteen (16) years of age.

Section 7. Individual or loose tobacco products.

The sale or free distribution of individual or loose tobacco products is prohibited.

Section 8. Free distribution and sampling prohibited.

The free distribution or sampling of tobacco products is prohibited.

Section 9. Non-Criminal Disposition.

Any person who violates a regulation contained herein shall be subject to a non-criminal disposition penalty as follows:

- (a) Violation by an owner or manager of the business:

First offense within 12 month period	\$100
Second offense within 12 month period	\$200
Third and subsequent offenses within a 12 month period	\$300

Each day any violation continues shall constitute a separate offense.

Section 10. Suspension/Revocation.

- (a) A tobacco sales permit may be suspended or revoked by the Board of Health for

violation of these regulations. The Board shall provide notice to the permit holder of the intent to suspend or revoke the Tobacco Sales Permit, which notice shall contain the reasons therefore and establish a date and time for a hearing, which dates shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision, and the reasons therefore, in writing.

- (b) All tobacco products shall be removed from display upon suspension of the permit for a period of fourteen (14) days, and shall be removed from the premises, or upon revocation of the permit. Failure to remove as required herein shall be a separate violation.

Section 11. Posting State Law

In conformance with Massachusetts General Laws, Chapter 270, Section 7, a copy of Massachusetts General Laws Chapter 27, Section 6 shall be posted conspicuously by the owner or other person in charge thereof in the store or other place used to sell cigarettes at retail. The notice to be posted shall be that notice provided by the Massachusetts Department of Public Health. Such notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of single package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. For all other cash registers that sell cigarettes, a notice shall be attached which is no smaller than nine square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. For all other cash registers that sell cigarettes, a notice shall be attached which is no smaller than nine square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of no less than four feet or more than nine feet from the floor.

Section 12: Effective Date

Immediately except for Section 5 which would become effective April 1, 2001.